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Conspirators v. Chandan Vora

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UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 11-1032

CONSPIRATORS

v.

DR. CHANDAN S. VORA,
Appellant

On Appeal from the United States District Court
for the Western District of Pennsylvania
(D.C. Civil No. 09-00275)
District Judge: Honorable Gustave Diamond

Submitted for Possible Dismissal Pursuant to 28 U.S.C. § 1915(e)(2)(B)
or Summary Action Pursuant to Third Circuit LAR 27.4 and I.O.P. 10.6

April 28, 2011

Before: SCIRICA, HARDIMAN AND VANASKIE, Circuit Judges

(Opinion filed: May 18, 2011)

OPINION

PER CURIAM

Dr. Chandan S. Vora appeals from the orders of the United States District Court for the Western District of Pennsylvania denying her motion to file a motion for re-hearing of the court's prior order dismissing her petition for removal.

Dr. Vora filed a petition for removal, which the District Court dismissed for lack of jurisdiction and as otherwise frivolous under 28 U.S.C. § 1915(e)(2)(B). This Court dismissed Dr. Vora's appeal under § 1915(e)(2)(B). Conspirators v. Vora, C.A. No. 09-4608 (3d Cir. Mar. 4, 2010). On November 22, 2010, Dr. Vora filed a motion for an extension of time to file a motion for re-hearing of the District Court's dismissal of her removal petition, which the District Court denied as moot in light of our judgment dismissing Dr. Vora's related appeal, and pursuant to a pre-filing injunction issued in 2008. See In re Chandan S. Vora, Misc. No. 08-mc-00104 (W.D. Pa. Oct. 21, 2008) (prohibiting Dr. Vora from filing "any motions and pleadings and other documents in cases that have been dismissed and closed by the district court and that subsequently have been appealed" to this Court). Dr. Vora filed this timely appeal.

We have jurisdiction over this appeal pursuant to 28 U.S.C. § 1291. Upon de novo review of the record and careful consideration of Dr. Vora's notice of appeal and other submissions, we conclude that there is no substantial question presented on appeal and that summary action is warranted. See LAR 27.4 and I.O.P. 10.6. We need not decide whether the pre-filing injunction comports with Abdul-Akbar v. Watson, 901 F.2d 329, 333 (3d Cir. 1990). Assuming without deciding that the pre-filing injunction does not apply here, the District Court properly denied Dr. Vora's motion for an extension of time as moot based on our dismissal of her appeal of the same court order upon which she ultimately sought a rehearing.

Accordingly, we will summarily affirm the District Court judgment.